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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 902 of this title; title 26 sections 168, 883.

SUBCHAPTER I—GENERAL PROVISIONS

§ 701. Congressional declaration of policy and purpose

(a) Policy

The Congress declares that it is the policy of the United States to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global communications network, which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries, and which will contribute to world peace and understanding.

(b) Availability of telecommunication services

The new and expanded telecommunication services are to be made available as promptly as possible and are to be extended to provide global coverage at the earliest practicable date. In effectuating this program, care and attention will be directed toward providing such services to economically less developed countries and areas as well as those more highly developed, toward efficient and economical use of the electromagnetic frequency spectrum, and toward the reflection of the benefits of this new technology in both quality of services and charges for such services.

(c) Private enterprise; access; competition

In order to facilitate this development and to provide for the widest possible participation by private enterprise, United States participation in the global system shall be in the form of a private corporation, subject to appropriate governmental regulation. It is the intent of Congress that all authorized users shall have non-discriminatory access to the system; that maximum competition be maintained in the provision of equipment and services utilized by the system; that the corporation created under this chapter be so organized and operated as to maintain and strengthen competition in the provision of communications services to the public; and that the activities of the corporation created under this chapter and of the persons or companies participating in the ownership of the corporation shall be consistent with the Federal antitrust laws.

(d) Domestic use; additional systems

It is not the intent of Congress by this chapter to preclude the use of the communications satellite system for domestic communication services where consistent with the provisions of this chapter nor to preclude the creation of additional communications satellite systems, if required to meet unique governmental needs or if otherwise required in the national interest.

(Pub. L. 87-624, title I, §102, Aug. 31, 1962, 76 Stat. 419.)

REFERENCES IN TEXT

The Federal antitrust laws, referred to in subsec. (c), are classified generally to chapter 1 (§1 et seq.) of Title 15, Commerce and Trade.

SHORT TITLE

Section 101 of Pub. L. 87-624 provided that: "This Act [enacting this chapter] may be cited as the 'Communications Satellite Act of 1962'."

For short title of title V of Pub. L. 87-624, as added by Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2392, which enacted subchapter V of this chapter, see note set out under section 751 of this title.

STYLISTIC CONSISTENCY

Pub. L. 103-414, title III, §303(f), Oct. 25, 1994, 108 Stat. 4296, provided that: "The Communications Act of 1934 [47 U.S.C. 151 et seq.] and the Communications Satellite Act of 1962 [47 U.S.C. 701 et seq.] are amended so that the section designation and section heading of each section of such Acts shall be in the form and typeface of the section designation and heading of this section [108 Stat. 4294]."

INTERNATIONAL TELECOMMUNICATIONS SATELLITE ORGANIZATION

Pub. L. 99-93, title I, §146, Aug. 16, 1985, 99 Stat. 425, provided that:

"(a) POLICY.—The Congress declares that it is the policy of the United States—

"(1) as a party to the International Telecommunications Satellite Organization (hereafter in this section referred to as 'Intelsat'), to foster and support the global commercial communications satellite system owned and operated by Intelsat;

"(2) to make available to consumers a variety of communications satellite services utilizing the space segment facilities of Intelsat and any additional such facilities which are found to be in the national interest and which—

"(A) are technically compatible with the use of the radio frequency spectrum and orbital space by the existing or planned Intelsat space segment, and

"(B) avoid significant economic harm to the global system of Intelsat; and

"(3) to authorize use and operation of any additional space segment facilities only if the obligations of the United States under article XIV(d) of the Intelsat Agreement have been met.

"(b) PRECONDITIONS FOR INTELSAT CONSULTATION.—Before consulting with Intelsat for purposes of coordination of any separate international telecommunications satellite system under article XIV(d) of the Intelsat Agreement, the Secretary of State shall—

"(1) in coordination with the Secretary of Commerce, ensure that any proposed separate international satellite telecommunications system comply with the Executive Branch conditions established pursuant to the Presidential Determination No. 85-2 [49 F.R. 46987]; and

"(2) ensure that one or more foreign authorities have authorized the use of such system consistent with such conditions.

"(c) AMENDMENT OF INTELSAT AGREEMENT.—(1) The Secretary of State shall consult with the United States signatory to Intelsat and the Secretary of Commerce regarding the appropriate scope and character of a modification to article V(d) of the Intelsat Agreement which would permit Intelsat to establish cost-based rates for individual traffic routes, as exceptional circumstances warrant, paying particular attention to the need for avoiding significant economic harm to the global system of Intelsat as well as United States national and foreign policy interests.

"(2)(A) To ensure that rates established by Intelsat for such routes are cost-based, the Secretary of State, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall instruct the United States signatory to

Intelsat to ensure that sufficient documentation, including documentation regarding revenues and costs, is provided by Intelsat so as to verify that such rates are in fact cost-based.

“(B) To the maximum extent possible, such documentation [documentation] will be made available to interested parties on a timely basis.

“(3) Pursuant to the consultation under paragraph (1) and taking the steps prescribed in paragraph (2) to provide documentation, the United States shall support an appropriate modification to article V(d) of the Intelsat Agreement to accomplish the purpose described in paragraph (1).

“(d) CONGRESSIONAL CONSULTATION.—In the event that, after United States consultation with Intelsat for the purposes of coordination under article XIV(d) of the Intelsat Agreement for the establishment of a separate international telecommunications satellite system, the Assembly of Parties of Intelsat fails to recommend such a separate system, and the President determines to pursue the establishment of a separate system notwithstanding the Assembly’s failure to approve such system, the Secretary of State, after consultation with the Secretary of Commerce, shall submit to the Congress a detailed report which shall set forth—

“(1) the foreign policy reasons for the President’s determination, and

“(2) a plan for minimizing any negative effects of the President’s action on Intelsat and on United States foreign policy interests.

“(e) NOTIFICATION TO FEDERAL COMMUNICATIONS COMMISSION.—In the event the Secretary of State submits a report under subsection (d), the Secretary, 60 calendar days after the receipt by the Congress of such report, shall notify the Federal Communications Commission as to whether the United States obligations under article XIV(d) of the Intelsat Agreement have been met.

“(f) IMPLEMENTATION.—In implementing the provisions of this section, the Secretary of State shall act in accordance with Executive order 12046 [set out under section 305 of this title].

“(g) DEFINITION.—For the purposes of this section, the term ‘separate international telecommunications satellite system’ or ‘separate system’ means a system of one or more telecommunications satellites separate from the Intelsat space segment which is established to provide international telecommunications services between points within the United States and points outside the United States, except that such term shall not include any satellite or system of satellites established—

“(1) primarily for domestic telecommunications purposes and which incidentally provides services on an ancillary basis to points outside the jurisdiction of the United States but within the western hemisphere, or

“(2) solely for unique governmental purposes.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 743 of this title.

§ 702. Definitions

As used in this chapter, and unless the context otherwise requires—

(1) the term “communications satellite system” refers to a system of communications satellites in space whose purpose is to relay telecommunication information between satellite terminal stations, together with such associated equipment and facilities for tracking, guidance, control, and command functions as are not part of the generalized launching, tracking, control, and command facilities for all space purposes;

(2) the term “satellite terminal station” refers to a complex of communication equipment located on the earth’s surface, oper-

ationally connected with one or more terrestrial communication systems, and capable of transmitting telecommunications to or receiving telecommunications from a communications satellite system.

(3) the term “communications satellite” means an earth satellite which is intentionally used to relay telecommunication information;

(4) the term “associated equipment and facilities” refers to facilities other than satellite terminal stations and communications satellites, to be constructed and operated for the primary purpose of a communications satellite system, whether for administration and management, for research and development, or for direct support of space operations;

(5) the term “research and development” refers to the conception, design, and first creation of experimental or prototype operational devices for the operation of a communications satellite system, including the assembly of separate components into a working whole, as distinguished from the term “production,” which relates to the construction of such devices to fixed specifications compatible with repetitive duplication for operational applications; and

(6) the term “telecommunication” means any transmission, emission or reception of signs, signals, writings, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(7) the term “communications common carrier” has the same meaning as the term “common carrier” has when used in the Communications Act of 1934, as amended [47 U.S.C. 151 et seq.], and in addition includes, but only for purposes of sections 733 and 734 of this title, any individual, partnership, association, joint-stock company, trust, corporation, or other entity which owns or controls, directly or indirectly, or is under direct or indirect common control with, any such carrier; and the term “authorized carrier”, except as otherwise provided for purposes of section 734 of this title by section 734(b)(1) of this title, means a communications common carrier which has been authorized by the Federal Communications Commission under the Communications Act of 1934, as amended, to provide services by means of communications satellites;

(8) the term “corporation” means the corporation authorized by subchapter III of this chapter.

(9) the term “Administration” means the National Aeronautics and Space Administration; and

(10) the term “Commission” means the Federal Communications Commission.

(Pub. L. 87-624, title I, §103, Aug. 31, 1962, 76 Stat. 419.)

REFERENCES IN TEXT

The Communications Act of 1934, as amended, referred to in par. (7), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 168.

SUBCHAPTER II—FEDERAL COORDINATION, PLANNING, AND REGULATION

§ 721. Implementation of policy

In order to achieve the objectives and to carry out the purposes of this chapter—

- (a) **Executive functions; execution of national program; review; agency coordination; supervision of foreign relationships; foreign participation; use for general governmental purposes; separate systems; compatibility with domestic and foreign facilities**

the President shall—

(1) aid in the planning and development and foster the execution of a national program for the establishment and operation,¹ of a commercial communications satellite system;

(2) provide for continuous review of all phases of the development and operation of such a system, including the activities of a communications satellite corporation authorized under subchapter III of this chapter;

(3) coordinate the activities of governmental agencies with responsibilities in the field of telecommunication, so as to insure that there is full and effective compliance at all times with the policies set forth in this chapter;

(4) exercise such supervision over relationships of the corporation with foreign governments or entities or with international bodies as may be appropriate to assure that such relationships shall be consistent with the national interest and foreign policy of the United States;

(5) insure that timely arrangements are made under which there can be foreign participation in the establishment and use of a communications satellite system;

(6) take all necessary steps to insure the availability and appropriate utilization of the communications satellite system for general governmental purposes except where a separate communications satellite system is required to meet unique governmental needs, or is otherwise required in the national interest; and

(7) so exercise his authority as to help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the system with existing communications facilities both in the United States and abroad.

- (b) **Administration functions; technical advice to Commission; cooperation in research and development and technical consultation with corporation; assistance and launching, associated services and other services to corporation on reimbursable basis**

the National Aeronautics and Space Administration shall—

(1) advise the Commission on technical characteristics of the communications satellite system;

(2) cooperate with the corporation in research and development to the extent deemed appropriate by the Administration in the public interest;

(3) assist the corporation in the conduct of its research and development program by furnishing to the corporation, when requested, on a reimbursable basis, such satellite launching and associated services as the Administration deems necessary for the most expeditious and economical development of the communications satellite system;

(4) consult with the corporation with respect to the technical characteristics of the communications satellite system;

(5) furnish to the corporation, on request and on a reimbursable basis, satellite launching and associated services required for the establishment, operation, and maintenance of the communications satellite system approved by the Commission; and

(6) to the extent feasible, furnish other services, on a reimbursable basis, to the corporation in connection with the establishment and operation of the system.

- (c) **Commission functions; competitive bidding; consultation with Small Business Administration; discrimination; just and reasonable charges, classifications, practices, regulations and other terms and conditions; allocation of facilities; establishment of communication to particular foreign point; technical compatibility of system and stations; accounting; rates; technical approval; construction and operation authorizations; financing of corporation; additions; rules and regulations**

the Federal Communications Commission, in its administration of the provisions of the Communications Act of 1934, as amended [47 U.S.C. 151 et seq.], and as supplemented by this chapter, shall—

(1) insure effective competition, including the use of competitive bidding where appropriate, in the procurement by the corporation and communications common carriers of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations; and the Commission shall consult with the Small Business Administration and solicit its recommendations on measures and procedures which will insure that small business concerns are given an equitable opportunity to share in the procurement program of the corporation for property and services, including but not limited to research, development, construction, maintenance, and repair.

(2) insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system and satellite terminal stations under just and reasonable charges, classifications, practices, regulations, and other terms and conditions and regulate the manner in which available facilities of the system and stations are allocated among such users thereof;

(3) in any case where the Secretary of State, after obtaining the advice of the Administration as to technical feasibility, has advised that commercial communication to a particular foreign point by means of the communications satellite system and satellite terminal

¹ So in original. The comma probably should not appear.

stations should be established in the national interest, institute forthwith appropriate proceedings under section 214(d) of the Communications Act of 1934, as amended [47 U.S.C. 214(d)], to require the establishment of such communication by the corporation and the appropriate common carrier or carriers;

(4) insure that facilities of the communications satellite system and satellite terminal stations are technically compatible and interconnected operationally with each other and with existing communications facilities;

(5) prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services;

(6) approve technical characteristics of the operational communications satellite system to be employed by the corporation and of the satellite terminal stations; and

(7) grant appropriate authorizations for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity. In determining the public interest, convenience, and necessity the Commission shall authorize the construction and operation of such stations by communications common carriers or the corporation, without preference to either;

(8) authorize the corporation to issue any shares of capital stock, except the initial issue of capital stock referred to in section 734(a) of this title, or to borrow any moneys, or to assume any obligation in respect of the securities of any other person, upon a finding that such issuance, borrowing, or assumption is compatible with the public interest, convenience, and necessity and is necessary or appropriate for or consistent with carrying out the purposes and objectives of this chapter by the corporation;

(9) insure that no substantial additions are made by the corporation or carriers with respect to facilities of the system or satellite terminal stations unless such additions are required by the public interest, convenience, and necessity;

(10) require, in accordance with the procedural requirements of section 214 of the Communications Act of 1934, as amended [47 U.S.C. 214], that additions be made by the corporation or carriers with respect to facilities of the system or satellite terminal stations where such additions would serve the public interest, convenience, and necessity; and

(11) make rules and regulations to carry out the provisions of this chapter.

(Pub. L. 87-624, title II, § 201, Aug. 31, 1962, 76 Stat. 421; Pub. L. 103-414, title III, § 304(b)(1), Oct. 25, 1994, 108 Stat. 4297.)

REFERENCES IN TEXT

The Communications Act of 1934, as amended, referred to in subsec. (c), is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§ 151 et seq.) of this title. For complete

classification of this Act to the Code, see section 609 of this title and Tables.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-414 struck out “as expeditiously as possible,” after “establishment and operation.”

EXECUTIVE ORDER NO. 11191

Ex. Ord. No. 11191, Jan. 4, 1965, 30 F.R. 29, as amended by Ex. Ord. No. 11556, Sept. 4, 1970, 35 F.R. 14193, which related to the administration of the Communications Satellite Act of 1962 [this chapter], was revoked by Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, set out as a note under section 305 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 735, 902 of this title.

SUBCHAPTER III—COMMUNICATIONS SATELLITE CORPORATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 332, 702, 721, 751, 752, 901 of this title.

§ 731. Creation of corporation

There is authorized to be created a communications satellite corporation for profit which will not be an agency or establishment of the United States Government.

(Pub. L. 87-624, title III, § 301, as added Pub. L. 103-414, title III, § 304(b)(2), Oct. 25, 1994, 108 Stat. 4297.)

PRIOR PROVISIONS

A prior section 731, Pub. L. 87-624, title III, § 301, Aug. 31, 1962, 76 Stat. 423, authorized creation of a for-profit communications satellite corporation not to be a Government agency, subject to this chapter and the District of Columbia Business Corporation Act, prior to repeal by Pub. L. 103-414, § 304(b)(2).

§ 732. Applicable laws

The corporation shall be subject to the provisions of this chapter and, to the extent consistent with this chapter, to the District of Columbia Business Corporation Act [D.C. Code, § 29-301 et seq.]. The right to repeal, alter, or amend this chapter at any time is expressly reserved.

(Pub. L. 87-624, title III, § 302, as added Pub. L. 103-414, title III, § 304(b)(2), Oct. 25, 1994, 108 Stat. 4297.)

REFERENCES IN TEXT

The District of Columbia Business Corporation Act, referred to in text, is act June 8, 1954, ch. 269, 68 Stat. 179, as amended, which appears in chapter 3 (§ 29-301 et seq.) of Title 29, Corporations, of the District of Columbia Code.

PRIOR PROVISIONS

A prior section 732, Pub. L. 87-624, title III, § 302, Aug. 31, 1962, 76 Stat. 423, related to process of organization of the communications satellite corporation, prior to repeal by Pub. L. 103-414, § 304(b)(2).

§ 733. Directors and officers

(a) Board of directors; qualifications; chairman; appointment by President; term; election by stockholders; percentage of stock ownership determining right to elect; cumulative voting; amendment of articles of incorporation; bylaws for national emergencies

The corporation shall have a board of directors consisting of fifteen individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. The remaining twelve members of the board shall be elected annually by the stockholders. Six of such members shall be elected by those stockholders who are not communications common carriers, and the remaining six such members shall be elected by the stockholders who are communications common carriers, except that if the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting of stockholders is less than 45 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, the number of members to be elected at such meeting by each group of stockholders shall be determined in accordance with the following table:

When the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers is less than—	But not less than—	The number of members which stockholders who are communications common carriers are entitled to elect shall be—	And the number of members which other stockholders are entitled to elect shall be—
45 per centum	40 per centum	5	7
40 per centum	35 per centum	4	8
35 per centum	25 per centum	3	9
25 per centum	15 per centum	2	10
15 per centum	8 per centum	1	11
8 per centum		0	12

No stockholder who is a communications common carrier and no trustee for such a stockholder shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or any persons subject to his direction or control, for more than three

candidates for membership on the board, except that in the event the number of shares of the voting capital stock of the corporation issued and outstanding and owned either directly or indirectly by communications common carriers as of the record date for the annual meeting is less than 8 per centum of the total number of shares of the voting capital stock of the corporation issued and outstanding, any stockholder who is a communications common carrier shall be entitled to vote at such meeting for candidates for membership on the board in the same manner as all other stockholders. Subject to the foregoing limitations, the articles of incorporation of the corporation shall provide for cumulative voting under section 327(d)¹ of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-327(d)). The articles of incorporation of the corporation may be amended, altered, changed, or repealed by a vote of not less than 66⅔ per centum of the outstanding shares of the voting capital stock of the corporation owned by stockholders who are communications common carriers and by stockholders who are not communications common carriers, voting together, if such vote complies with all other requirements of this chapter and of the articles of incorporation of the corporation with respect to the amendment, alteration, change, or repeal of such articles. The corporation may adopt such bylaws as shall, notwithstanding the provisions of section 336² of the District of Columbia Business Corporation Act (D.C. Code, section 29-336(d)),³ provide for the continued ability of the board to transact business under such circumstances of national emergency as the President of the United States, or the officer designated by him, may determine, after February 18, 1969, would not permit a prompt meeting of a majority of the board to transact business.

(b) President of corporation; designation and appointment of other officers; compensation; United States citizenship of officers; dual salary prohibition

The corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation shall receive any salary from any source other than the corporation during the period of his employment by the corporation.

(Pub. L. 87-624, title III, §303, Aug. 31, 1962, 76 Stat. 423; Pub. L. 91-3, §1, Mar. 12, 1969, 83 Stat. 4; Pub. L. 103-414, title III, §303(b)(1), Oct. 25, 1994, 108 Stat. 4296.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-414 substituted “section 327(d)” for “section 27(d)”, “sec. 29-327(d)” for “sec. 29-911(d)”, “section 336” for “section 36”, and “section 29-336(d)” for “sec. 29-916d”.

1969—Subsec. (a). Pub. L. 91-3 specified number of directors on the board at fifteen, substituted provisions that three members appointed by the President serve

¹ So in original. Probably should be “27(d)”.

² So in original. Probably should be “36”.

³ So in original. Probably should be “29-336”.

for a term of three years each for provisions that such appointees serve terms of one, two, and three years, respectively, set forth formula authorizing election of directors by carriers and noncarriers to be based upon their respective percentage of ownership of the outstanding capital stock, provided a method for amending, altering, changing, or repealing the articles of incorporation, and authorized board to adopt bylaws permitting the corporation to transact business in future national emergencies.

MEETING OF BOARD SUBSEQUENT TO MARCH 12, 1969,
FOR ELECTION OF DIRECTORS; TERM OF OFFICE

Section 2 of Pub. L. 91-3 authorized a meeting of the corporation's stockholders as soon as practicable after Mar. 12, 1969, to elect 12 members of the board of directors, pursuant to subsec. (a) of this section, to serve until the next annual meeting of stockholders or until their successors have been elected and qualified.

STATUS AND AUTHORITY OF BOARD MEMBERS ELECTED
PRIOR TO MARCH 12, 1969

Section 3 of Pub. L. 91-3 provided that: "The status and authority of the members of the board of directors of the Communications Satellite Corporation who were elected to the board before the date of the enactment of this Act [March 12, 1969] and who are serving as members of the board on such date shall not be in any way impaired or affected until their successors have been elected and qualified in accordance with section 2 of this Act [set out as a note above]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 702 of this title.

§ 734. Financing of corporation

(a) Capital stock; amount of issue; no par value shares; voting rights; dividends; price and public distribution of initial offering; shareholder eligibility

The corporation is authorized to issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The shares of such stock initially offered shall be sold in a manner to encourage the widest distribution to the American public. Subject to the provisions of subsections (b) and (d) of this section, shares of stock offered under this subsection may be issued to and held by any person.

(b) "Authorized carrier" defined; shareholder eligibility; voting rights limitation of authorized carriers and other stockholders

(1) For the purposes of this section the term "authorized carrier" shall mean a communications common carrier which is specifically authorized or which is a member of a class of carriers authorized by the Commission to own shares of stock in the corporation upon a finding that such ownership will be consistent with the public interest, convenience, and necessity.

(2) Only those communications common carriers which are authorized carriers shall own shares of stock in the corporation at any time, and no other communications common carrier shall own shares either directly or indirectly through subsidiaries or affiliated companies, nominees, or any persons subject to its direction or control. At no time after the initial issue is completed shall the aggregate of the shares of voting stock of the corporation owned by authorized carriers directly or indirectly through

subsidiaries or affiliated companies, nominees, or any persons subject to their direction or control exceed 50 per centum of such shares issued and outstanding.

(3) At no time shall any stockholder who is not an authorized carrier, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of voting stock of the corporation issued and outstanding.

(c) Nonvoting security issues and certificates of indebtedness; rate base

The corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine. Such nonvoting securities, bonds, debentures, or other certificates of indebtedness of the corporation as a communications common carrier may own shall be eligible for inclusion in the rate base of the carrier to the extent allowed by the Commission. The voting stock of the corporation shall not be eligible for inclusion in the rate base of the carrier.

(d) Alien share ownership limitation

Not more than an aggregate of 20 per centum of the shares of stock of the corporation authorized by subsection (a) of this section which are held by holders other than authorized carriers may be held by persons of the classes described in subsection (a) and paragraphs (1) through (4) of subsection (b) of section 310 of this title.

(e) Inspection and copying rights

The requirement of section 345(b)¹ of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-345(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the corporation, and they may exercise such rights without regard to the percentage of stock they hold.

(f) Transfer and distribution of shares among authorized carriers

Upon application to the Commission by any authorized carrier and after notice and hearing, the Commission may compel any other authorized carrier which owns shares of stock in the corporation to transfer to the applicant, for a fair and reasonable consideration, a number of such shares as the Commission determines will advance the public interest and the purposes of this chapter. In its determination with respect to ownership of shares of stock in the corporation, the Commission, whenever consistent with the public interest, shall promote the widest possible distribution of stock among the authorized carriers.

(Pub. L. 87-624, title III, §304, Aug. 31, 1962, 76 Stat. 424; Pub. L. 97-410, §5, Jan. 3, 1983, 96 Stat. 2045; Pub. L. 103-414, title III, §§303(b)(2), (3), 304(b)(3), Oct. 25, 1994, 108 Stat. 4296, 4297.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-414, §304(b)(3), struck out "at a price not in excess of \$100 for each share and" after "shall be sold".

¹ So in original. Probably should be "45(b)".

Subsec. (d). Pub. L. 103-414, §303(b)(2), substituted “subsection (a) and paragraphs (1) through (4) of subsection (b) of section 310 of this title” for “paragraphs (1), (2), (3), (4), and (5) of section 310(a) of this title”.

Subsec. (e). Pub. L. 103-414, §303(b)(3), substituted “section 345(b)” for “section 45(b)” and “sec. 29-345(b)” for “sec. 29-920(b)”.

1983—Subsec. (b)(2). Pub. L. 97-410 struck out provision which related to purchases of reserved shares of stock by authorized carriers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 702, 721 of this title.

§ 735. Powers of corporation

(a) Authorized powers

In order to achieve the objectives and to carry out the purposes of this chapter, the corporation is authorized to—

(1) plan, initiate, construct, own, manage, and operate itself or in conjunction with foreign governments or business entities a commercial communications satellite system;

(2) furnish, for hire, channels of communication to United States communications common carriers and to other authorized entities, foreign and domestic; and

(3) own and operate satellite terminal stations when licensed by the Commission under section 721(c)(7) of this title.

(b) Specific corporate activities

Included in the activities authorized to the corporation for accomplishment of the purposes indicated in subsection (a) of this section, are, among others not specifically named—

(1) to conduct or contract for research and development related to its mission;

(2) to acquire the physical facilities, equipment and devices necessary to its operations, including communications satellites and associated equipment and facilities, whether by construction, purchase, or gift;

(3) to purchase satellite launching and related services from the United States Government;

(4) to contract with authorized users, including the United States Government, for the services of the communications satellite system; and

(5) to develop plans for the technical specifications of all elements of the communications satellite system.

(c) Usual powers of stock corporation

To carry out the foregoing purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act [D.C. Code, §29-301 et seq.].

(Pub. L. 87-624, title III, §305, Aug. 31, 1962, 76 Stat. 425.)

REFERENCES IN TEXT

The District of Columbia Business Corporation Act, referred to in subsec. (c), is act June 8, 1954, ch. 269, 68 Stat. 179, as amended, which appears in chapter 3 (§29-301 et seq.) of Title 29, Corporations, of the District of Columbia Code.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 332 of this title.

§ 741. Common carrier status of corporation; laws applicable to corporation; common carrier activity; conflict of laws

The corporation shall be deemed to be a common carrier within the meaning of section 3(h) of the Communications Act of 1934, as amended [47 U.S.C. 153(h)], and as such shall be fully subject to the provisions of title II [47 U.S.C. 201 et seq.] and title III [47 U.S.C. 301 et seq.] of that Act. The provision of satellite terminal station facilities by one communication common carrier to one or more other communications common carriers shall be deemed to be a common carrier activity fully subject to the Communications Act [47 U.S.C. 151 et seq.]. Whenever the application of the provisions of this chapter shall be inconsistent with the application of the provisions of the Communications Act, the provisions of this chapter shall govern.

(Pub. L. 87-624, title IV, §401, Aug. 31, 1962, 76 Stat. 426.)

REFERENCES IN TEXT

The Communications Act of 1934, referred to in text, is act June 19, 1934, ch. 652, 48 Stat. 1964, as amended, which is classified principally to chapter 5 (§151 et seq.) of this title. Titles II and III of the Communications Act of 1934 are classified generally to subchapters II (§201 et seq.) and III (§301 et seq.), respectively, of chapter 5 of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

§ 742. Foreign business negotiations of corporation; notice to Department of State; advice and assistance from Department of State

Whenever the corporation shall enter into business negotiations with respect to facilities, operations, or services authorized by this chapter with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the corporation of relevant foreign policy considerations. Throughout such negotiations the corporation shall keep the Department of State informed with respect to such considerations. The corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

(Pub. L. 87-624, title IV, §402, Aug. 31, 1962, 76 Stat. 426.)

§ 743. Sanctions

(a) Petition of Attorney General for equitable relief; venue

If the corporation created pursuant to this chapter shall engage in or adhere to any action, practices, or policies inconsistent with the policy and purposes declared in section 701 of this title, or if the corporation or any other person shall violate any provision of this chapter, or shall obstruct or interfere with any activities authorized by this chapter, or shall refuse, fail,

or neglect to discharge his duties and responsibilities under this chapter, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

(b) Punishment, liability or sanction under other provisions

Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this chapter.

(c) Duty of compliance with provisions of chapter and rules and regulations

It shall be the duty of the corporation and all communications common carriers to comply, insofar as applicable, with all provisions of this chapter and all rules and regulations promulgated thereunder.

(Pub. L. 87-624, title IV, § 403, Aug. 31, 1962, 76 Stat. 426.)

§ 744. Reports to Congress

The corporation shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this chapter.

(Pub. L. 87-624, title IV, § 404, Aug. 31, 1962, 76 Stat. 426; Pub. L. 103-414, title III, § 304(b)(4), Oct. 25, 1994, 108 Stat. 4297.)

AMENDMENTS

1994—Pub. L. 103-414 redesignated subsec. (b) as entire section, struck out subsecs. (a) and (c) which read as follows:

“(a) The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments during the preceding calendar year under the national program referred to in section 721(a)(1) of this title, together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this chapter and any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

“(c) The Commission shall transmit to the Congress, annually and at such other times as it deems desirable, (i) a report of its activities and actions on anticompetitive practices as they apply to the communications satellite programs; (ii) an evaluation of such activities and actions taken by it within the scope of its authority with a view to recommending such additional legislation which the Commission may consider necessary in the public interest; and (iii) an evaluation of the capital structure of the corporation so as to assure the Congress that such structure is consistent with the most efficient and economical operation of the corporation.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 904 of this title.

SUBCHAPTER V—INTERNATIONAL MARITIME SATELLITE TELECOMMUNICATIONS

§ 751. Congressional declaration of policy and purpose

(a) Development and operation of global system to serve needs of United States and foreign countries

The Congress hereby declares that it is the policy of the United States to provide for the participation of the United States in the International Maritime Satellite Organization (hereinafter in this subchapter referred to as “INMARSAT”) in order to develop and operate a global maritime satellite telecommunications system. Such system shall have facilities and services which will serve maritime commercial and safety needs of the United States and foreign countries.

(b) Corporate participation; private entity status; non-Government agency

It is the purpose of this subchapter to provide that the participation of the United States in INMARSAT shall be through the communications satellite corporation established pursuant to subchapter III of this chapter, which constitutes a private entity operating for profit, and which is not an agency or establishment of the Federal Government.

(Pub. L. 87-624, title V, § 502, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2392; amended Pub. L. 103-414, title III, § 303(b)(4), Oct. 25, 1994, 108 Stat. 4296.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-414 substituted “the communications satellite corporation established pursuant to subchapter III of this chapter” for “the Communications Satellite Corporation”.

SHORT TITLE

Pub. L. 87-624, title V, § 501, as added by Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2392, provided that: “This title [enacting this subchapter] may be cited as the ‘International Maritime Satellite Telecommunications Act’.”

§ 752. Corporation’s status as designated operating entity

(a) Statement of purpose; signature authorization

(1) the¹ communications satellite corporation established pursuant to subchapter III of this chapter is hereby designated as the sole operating entity of the United States for participation in INMARSAT, for the purpose of providing international maritime satellite telecommunications services.

(2) The corporation may participate in and is hereby authorized to sign the operating agreement or other pertinent instruments of INMARSAT as the sole designated operating entity of the United States.

(b) Powers of corporation

The corporation—

(1) may own and operate satellite earth terminal stations in the United States;

¹ So in original. Probably should be capitalized.

(2) shall interconnect such stations, and the maritime satellite telecommunications provided by such stations, with the facilities and services of United States domestic common carriers and international common carriers, other than any common carrier or other entity in which the corporation has any ownership interest, as authorized by the Commission;

(3) shall interconnect such stations and the maritime satellite telecommunications provided by such stations, with the facilities and services of private communications systems, unless the Commission finds that such interconnection will not serve the public interest; and

(4) may establish, own, and operate the United States share of the jointly owned international space segment and associated ancillary facilities.

(c) Financial obligation

The corporation shall be responsible for fulfilling any financial obligation placed upon the corporation as a signatory to the operating agreement or other pertinent instruments, and any other financial obligation which may be placed upon the corporation as the result of a convention or other instrument establishing INMARSAT. The corporation shall be the sole United States representative in the managing body of INMARSAT.

(d) Sole ownership or/and operation of satellite earth terminal station for training of personnel pursuant to authorization of responsible executive department or Commission

(1) Any person, including the Federal Government or any agency thereof, may be authorized, in accordance with paragraph (2) or paragraph (3), to be the sole owner or operator, or both, of any satellite earth terminal station if such station is used for the exclusive purposes of training personnel in the use of equipment associated with the operation and maintenance of such station, or in carrying out experimentation relating to maritime satellite telecommunications services.

(2) If the person referred to in paragraph (1) is the Federal Government or any agency thereof, such satellite earth terminal station shall have been authorized to operate by the executive department charged with such responsibility.

(3) In any other case, such satellite earth terminal station shall have been authorized by the Commission.

(e) Additional noncorporation ownership of satellite earth terminal stations for enhancement of maritime satellite services in the public interest

The Commission may authorize ownership of satellite earth terminal stations by persons other than the corporation at any time the Commission determines that such additional ownership will enhance the provision of maritime satellite services in the public interest.

(f) Operational arrangements for interconnection of satellite earth terminal stations and facilities with common carriers and private communications systems for extension of services

The Commission shall determine the operational arrangements under which the corporation shall interconnect its satellite earth terminal station facilities and services with United States domestic common carriers and international common carriers, other than any common carrier, system, or other entity in which the corporation has any ownership interest, and private communications systems when authorized pursuant to subsection (b)(3) of this section for the purpose of extending maritime satellite telecommunications services within the United States and in other areas.

(g) Articles of incorporation provision for business transactions during national emergency with less than requisite number of directors

Notwithstanding any provision of State law, the articles of incorporation of the corporation shall provide for the continued ability of the board of directors of the corporation to transact business under such circumstances of national emergency as the President or his delegate may determine would not permit a prompt meeting of the number of directors otherwise required to transact business.

(Pub. L. 87-624, title V, §503, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2392; amended Pub. L. 103-414, title III, §§303(b)(4), 304(b)(5), Oct. 25, 1994, 108 Stat. 4296, 4297.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-414, §303(b)(4), which directed the substitution of “the communications satellite corporation established pursuant to subchapter III of this chapter” for “the Communications Satellite Corporation”, was executed by making the substitution in text which began “The Communications” rather than “the Communications” to reflect the probable intent of Congress.

Subsec. (a)(2), (3). Pub. L. 103-414, §304(b)(5)(A), (B), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “The corporation also shall have authority to participate in any other maritime satellite telecommunications system on an interim basis to serve the maritime commercial and safety needs of the United States through an interim operating arrangement in accordance with subsection (b) of this section.”

Subsec. (b). Pub. L. 103-414, §304(b)(5)(C), (E), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(b)(1) The corporation may participate in any maritime satellite telecommunications system under subsection (a)(2) of this section only if—

“(A) the corporation signs the operating agreement of INMARSAT before beginning such participation;

“(B) such participation is in the nature of an interim operating arrangement remaining in effect only until INMARSAT begins its operations; and

“(C)(i) in the case of participation which may be undertaken only pursuant to a treaty or executive agreement, such treaty or executive agreement is in effect; or

“(ii) in any case in which participation does not require any treaty or executive agreement, the President does not disapprove such participation during the period of 60 calendar days after the corporation notifies the President of such proposed participation.

“(2) If the corporation participates in an interim operating arrangement with a maritime satellite tele-

communications system under this subsection, the provisions of this subchapter relating to participation of the corporation in INMARSAT also shall apply to such interim participation.

“(3) Any disapproval by the President under paragraph (1)(C)(ii) shall be published in the Federal Register as soon as practicable after the date of such disapproval.”

Subsecs. (c) to (f). Pub. L. 103-414, § 304(b)(5)(E), redesignated subsec. (d) to (g) as (c) to (f), respectively. Former subsec. (c) redesignated (b).

Subsec. (g). Pub. L. 103-414, § 304(b)(5)(E), redesignated subsec. (h) as (g). Former subsec. (g) redesignated (f).

Pub. L. 103-414, § 304(b)(5)(D), substituted “subsection (b)(3)” for “subsection (c)(3)” and struck out at end “The initial determination of operational arrangements shall be made by the Commission no later than 6 months after November 1, 1978, and the Commission shall thereupon transmit to the Congress a report relating to such determination.”

Subsec. (h). Pub. L. 103-414, § 304(b)(5)(E), redesignated subsec. (h) as (g).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 753 of this title.

§ 753. Implementation of policy

(a) Administrative functions; agency coordination; use for general governmental purposes; separate systems; spectrum and orbital space use; compatibility with domestic and foreign facilities; interests and needs of ultimate users; Federal views on utilization and user needs

The Secretary of Commerce shall—

(1) coordinate the activities of Federal agencies with responsibilities in the field of telecommunications (other than the Commission), so as to ensure that there is full and effective compliance with the provisions of this subchapter;

(2) take all necessary steps to ensure the availability and appropriate utilization of the maritime satellite telecommunications services provided by INMARSAT for general governmental purposes, except in any case in which a separate telecommunications system is required to meet unique governmental needs or is otherwise required in the national interest;

(3) exercise his authority in a manner which seeks to obtain coordinated and efficient use of the electromagnetic spectrum and orbital space, and to ensure the technical compatibility of the space segment with existing communications facilities in the United States and in foreign countries; and

(4) take all necessary steps to determine the interests and needs of the ultimate users of the maritime satellite telecommunications system and to communicate the views of the Federal Government on utilization and user needs to INMARSAT.

(b) Executive functions; supervision and instructions for foreign relationships and activities

The President shall exercise such supervision over, and issue such instructions to, the corporation in connection with its relationships and activities with foreign governments, international entities, and INMARSAT as may be necessary to ensure that such relationships and activities are consistent with the national interest and foreign policy of the United States.

(c) Commission functions; institution of proceedings; recommendations for issuance of executive instructions; public space segment channel, construction, operation and other authorizations; review; rules

The Commission shall—

(1) institute such proceedings as may be necessary to carry out the provisions of section 752 of this title;

(2) make recommendations to the President for the purpose of assisting him in his issuance of instructions to the corporation;

(3) grant such authorizations as may be necessary under title II and title III of the Communications Act of 1934 [47 U.S.C. 201 et seq., 301 et seq.] to enable the corporation—

(A) to provide to the public, in accordance with section 752(c)(2)¹ of this title, space segment channels of communication obtained from INMARSAT; and

(B) to construct and operate such satellite earth terminal stations in the United States as may be necessary to provide sufficient access to the space segment;

(4) grant such other authorizations as may be necessary under title II and title III of the Communications Act of 1934 to carry out to the provisions of this subchapter;

(5) establish procedures to provide for the continuing review of the telecommunications activities of the corporation as the United States signatory to the operating agreement or other pertinent instruments; and

(6) prescribe such rules as may be necessary to carry out the provisions of this subchapter.

(d) Commission regulatory instructions; conflicting and prevailing instructions of President

The Commission is authorized to issue instructions to the corporation with respect to regulatory matters within the jurisdiction of the Commission. In the event an instruction of the Commission conflicts with an instruction of the President pursuant to subsection (b) of this section, the instructions issued by the President shall prevail.

(Pub. L. 87-624, title V, § 504, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2394.)

REFERENCES IN TEXT

The Communications Act of 1934, referred to in subsec. (c)(3), (4), is act June 19, 1934, ch. 652, 48 Stat. 1964, as amended, which is classified principally to chapter 5 (§ 151 et seq.) of this title. Titles II and III of the Communications Act of 1934 are classified generally to subchapters II (§ 201 et seq.) and III (§ 301 et seq.), respectively, of chapter 5 of this title. For complete classification of this Act to the Code, see section 609 of this title and Tables.

Section 752(c)(2) of this title, referred to in subsec. (c)(3)(A), was redesignated section 752(b)(2) of this title by Pub. L. 103-414, title III, § 304(b)(5)(E), Oct. 25, 1994, 108 Stat. 4298.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 902 of this title.

§§ 754 to 756. Repealed. Pub. L. 103-414, title III, § 304(b)(5), Oct. 25, 1994, 108 Stat. 4298

Section 754, Pub. L. 87-624, title V, § 505, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2395, related to study of structure and activities of corporation.

¹ See References in Text note below.

Section 755, Pub. L. 87-624, title V, §506, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2395, related to study of public maritime coast station services.

Section 756, Pub. L. 87-624, title V, §507, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2396, related to study of radio navigation systems.

§ 757. Definitions

For purposes of this subchapter—

(1) the term “person” includes an individual, partnership, association, joint stock company, trust, or corporation;

(2) the term “satellite earth terminal station” means a complex of communications equipment located on land, operationally interconnected with one or more terrestrial communications systems, and capable of transmitting telecommunications to, or receiving telecommunications from, the space segment;

(3) the term “space segment” means any satellite (or capacity on a satellite) maintained under the authority of INMARSAT, for the purpose of providing international maritime telecommunications services, and the tracking, telemetry, command, control, monitoring, and related facilities and equipment required to support the operation of such satellite; and

(4) the term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(Pub. L. 87-624, title V, §505, formerly §508, as added Pub. L. 95-564, Nov. 1, 1978, 92 Stat. 2396; renumbered §505, Pub. L. 103-414, title III, §304(b)(6), Oct. 25, 1994, 108 Stat. 4298.)

PRIOR PROVISIONS

A prior section 505 of Pub. L. 87-624 was classified to section 754 of this title prior to repeal by Pub. L. 103-414, §304(b)(5).

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CHAPTER 7—CAMPAIGN COMMUNICATIONS

§§ 801 to 805. Repealed. Pub. L. 93-443, title II, § 205(b), Oct. 15, 1974, 88 Stat. 1278

Section 801, Pub. L. 92-225, title I, §102, Feb. 7, 1972, 86 Stat. 3, related to definitions for purposes of this chapter.

Section 802, Pub. L. 92-225, title I, §103(b), Feb. 7, 1972, 86 Stat. 4, related to nonbroadcast media rates.

Section 803, Pub. L. 92-225, title I, §104(a), (b), Feb. 7, 1972, 86 Stat. 5, related to limitations of expenditures for use of communications media.

Section 804, Pub. L. 92-225, title I, §105, Feb. 7, 1972, 86 Stat. 7, related to regulations prescribed under this chapter.

Section 805, Pub. L. 92-225, title I, §106, Feb. 7, 1972, 86 Stat. 8, related to penalties imposed under this chapter.

EFFECTIVE DATE OF REPEAL

Sections 801 to 805 repealed effective Jan. 1, 1975, see section 410(a) of Pub. L. 93-443, set out as an Effective Date of 1974 Amendment note under section 431 of Title 2, The Congress.

CHAPTER 8—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

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SUBCHAPTER I—ORGANIZATION AND FUNCTIONS

§ 901. Definitions; findings; policy

(a) Definitions

In this chapter, the following definitions apply:

(1) The term “NTIA” means the National Telecommunications and Information Administration.

(2) The term “Assistant Secretary” means the Assistant Secretary for Communications and Information.